

Comhairle Chontae Atha Cliath Theas

PR/1320/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0381 **Application Date:** 26-Aug-2022
Submission Type: New Application **Registration Date:** 26-Aug-2022

Correspondence Name and Address: John Taylor Architects 39, North Avenue, Mount Merrion, Co. Dublin

Proposed Development: 43sqm single storey and part 2 extension to the side and rear of the house to accommodate independent living and a safe environment for a child with intellectual and physical disabilities. This will include a disabled bathroom, bedroom and treatment room. Widening of existing internal doors to accommodate wheelchair access throughout, a new wastewater treatment plant and retention permission for ground floor extensions to west and south sides of the house and conversion of attic rooms to habitable space with rooflights to front and rear.

Location: Glenaraneen, Brittas, Co Dublin

Applicant Name: Keith and Josephine Justice

Application Type: Permission and Retention

(CS)

Description of Site and Surroundings

Site Area: stated as 0.6 Hectares.

Site Description

The site accommodates a 1.5 storey detached dwelling located within the Dublin Mountains in a rural area (HA-DM). There is varying topography across the site whereby the land slopes from east to west. There is also mature landscaping/vegetation surrounding the site. It is noted that there are some other isolated dwellings in the area. It is also noted that the existing dwelling appears to be subdivided into two separate residential dwelling units.

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Proposal

The proposed development consists of the following:

- **Retention** permission for ground floor extension to west and south side of the house (2 no. lounges).
- **Retention** permission for first floor extension to the north and south of the existing dwelling comprising broadly of 2 no. separate bedrooms.
- **Permission** for 43sq.m. single storey and part two storey extension to side and rear to accommodate independent living (**not stated as family flat**) for a child with intellectual and physical disabilities including for disabled bathroom, bedroom and treatment room at ground floor.
- **Permission** for conversion of attic rooms to habitable space with roof lights to front and rear.
- **Permission for** proposed new wastewater treatment plan.
- Proposed works measure c.43sq.m.
- Retention works measure c.152sq.m.
- Total works measure c.195sq.m.

It is noted that a valid planning application was made within the last 6 months as per SD22B/0098. This application was **refused permission and refused retention.**

SD22B/0098 sought permission and retention for the following:

- **Permission** for the construction of a single storey extension to the south side of the house, internal alteration, waste water treatment unit and all ancillary works.
- **Retention** permission for a ground floor extension to the west side of the house, 1.5 storey extension to the south side of the house, attic rooms over the original house and approved extension to the north and roof windows to the front and rear.

Zoning

The subject site is subject to zoning objective 'HA-DM': *'To protect and enhance the outstanding natural character of the Dublin Mountains Area'* under the South Dublin County Development Plan 2022-2028.

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Consultations

Water Services – No report received to date.

Irish Water – No report received to date.

Roads Department – No objections.

Parks Department – No comments following review.

Environmental Health – Acceptable subject to **conditions**.

SEA Sensitivity Screening

The site is located within the following layers:

- High Amenity Dublin Mountains.
- Site of Geological Interest: Brittas Gravel Complex (Table 3.4: Geological Sites for Protection).

It is noted under the South Dublin County Council Development Plan 2022-2028 Policies Maps that the subject site is not located within an area where it is an objective under the County Development Plan to protect and preserve significant views, however the remainder of the surrounding area is.

Submissions/Observations /Representations

None.

Relevant Planning History

SD22B: 0098: Permission for the construction of a single storey extension to the south side of the house, internal alteration, waste water treatment unit and all ancillary works. Retention permission is sought for a ground floor extension to the west side of the house, 1.5 storey extension to the south side of the house, attic rooms over the original house and approved extension to the north and roof windows to the front and rear.

Decision: **REFUSE PERMISSION & REFUSE RETENTION.**

Reasons for Refusal:

1. The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:

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- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and
- Would not create or exacerbate ribbon or haphazard forms of development.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.

2. In accordance with Policy H19(family flat policy), the requirements of paragraph 11.3.3 (ii) should be met. These are:

(1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.

(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

(3) The family flat should be directly accessible from the main dwelling via an internal access door; and

(4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have

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a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.

*4. With regard to Policy HCL9 - Dublin Mountains, the proposed development **would result in the encroachment of ad hoc housing within a landscape area of High Amenity** as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.*

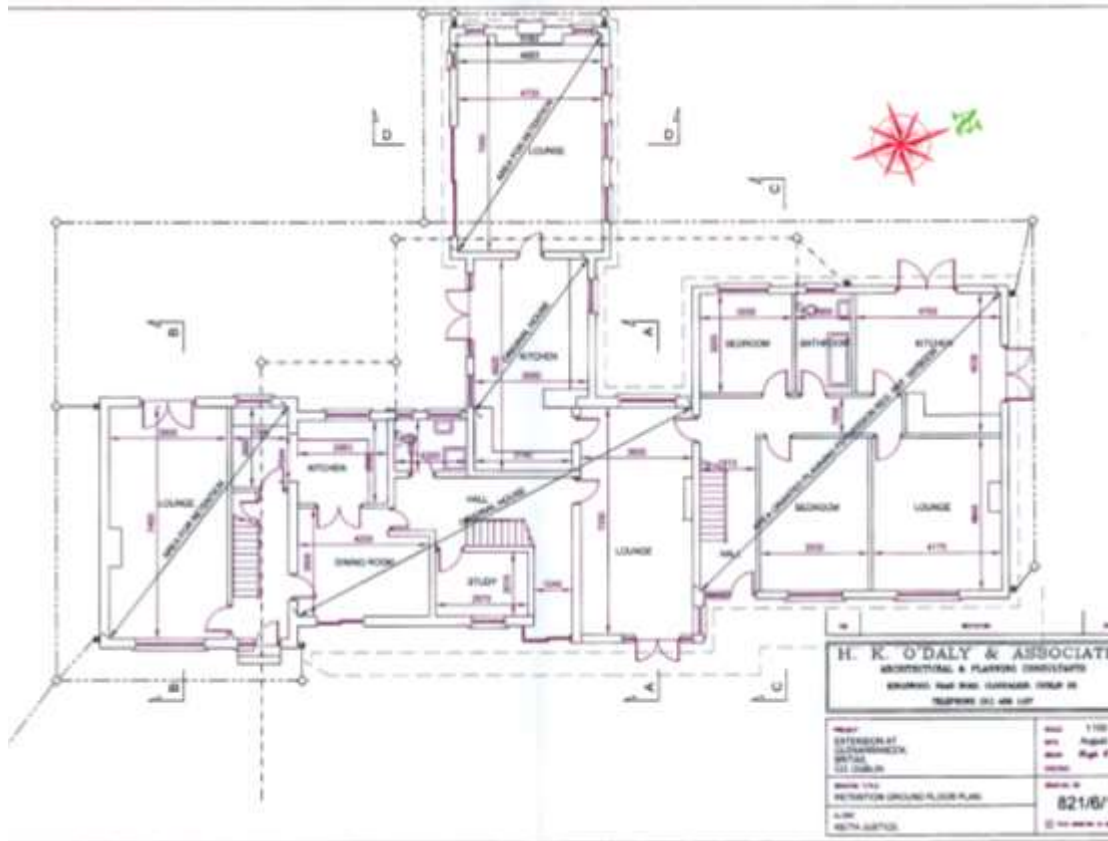
*5. The applicant has submitted **insufficient information regarding surface water drainage, wastewater treatment**, landscaping and existing trees to enable the planning authority to adequately assess the impact of the proposed development on the High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity and prejudicial to public health.*

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SD22B: 0098: Retention.

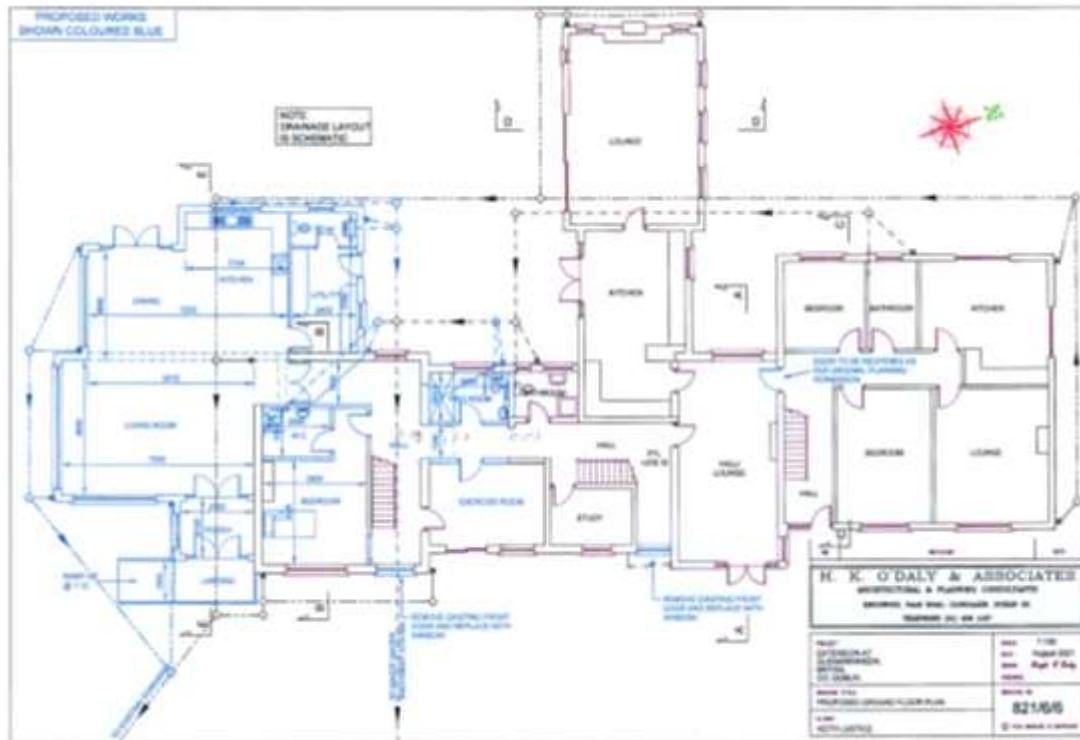


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SD22B: 0098: Permission



SD21B/0100: Subdivision of existing site (overall site area .6168 ha app.) with new site boundaries (site A .3682 ha, site B .2486 ha); subdivision of existing residential unit into two separate residential units; Retention for sunroom/lounge to rear of existing dwelling; Retention for gable extension to existing dwelling on south end (ground floor and attic space); Single storey extension to side and rear of existing dwelling (west side) with an area of 92sq.m; Internal modifications to existing dwelling; Provision of extended parking area to front of dwelling; Upgrade of existing septic tank and percolation area to full waste water treatment system and new percolation area (site A); Provision of new waste water treatment system and new percolation area (site B); Entrance area modifications to include new gates, piers, low boundary walls etc; Retention of 'Velux' roof lights to front of existing dwelling and all associated site works.

Decision: **REFUSE PERMISSION & REFUSE RETENTION.**

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Reasons for Refusal:

1. *Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development and development for retention would constitute urban generated housing, would contravene the objective of the planning authority, and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a substandard road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements', as such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.*

2. *The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) new or replacement dwellings will only be considered in exceptional circumstances in accordance with both Policy H23 -Rural Housing in HA – Dublin Mountains Zone. It is Council policy only to allow housing in the Dublin Mountain Area where:*

- the applicant is a native of the area; and*
- the applicant can demonstrate a genuine need for housing in that particular area; and*
- the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and*
- the development would not prejudice the environmental capacity of the area, and that it be in keeping with the character of the mountain area.*

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H23 Objective 1 and would therefore be contrary to the Zoning Objective set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. *The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing*

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rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region and if granted would be contrary to regional policy and to the proper planning and sustainable development of the area.

4. The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- Retains and reinstates traditional roadside and field boundaries; and*
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- Would not create or exacerbate ribbon or haphazard forms of development.*

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.

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5. *In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:*

(1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.

(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

(3) The family flat should be directly accessible from the main dwelling via an internal access door; and

(4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

6. *The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.*

7. *With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the*

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Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

8. The proposal constitutes undesirable ribbon type development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area.

9. The South Dublin County Council Development Plan (2016-2022) sets out standards for houses in the rural area and states that 'A minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided'. The application site does not have the required road frontage and therefore contravenes Council policy and would be contrary to the proper planning and sustainable development of the area.

10. The applicant has submitted insufficient information regarding:

- visibility splays*
- parking*
- access and egress / manoeuvrability*
- surface water drainage*

to enable the planning authority to adequately assess the impact of the proposed development on High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity.

S97B/0234: Single storey extension to side (north) of bungalow (c.56.44sq.m.).

Decision: **GRANT PERMISSION.**

Adjacent sites

SD07A/0461: Brittas Grange, Brittas, Co. Dublin.

Construction of new detached dwelling house, detached stables/store, effluent treatment system, well and associated site works including new vehicular access to public road.

Decision: **REFUSE PERMISSION.**

SD07A/0004: Glenaraneen, Brittas, Co Dublin.

Dormer bungalow with Envirocare sewage treatment unit, percolation area & access driveway utilising the existing entrance for the abandoned quarry.

Decision: **REFUSE PERMISSION.**

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SD04A/0445: Brittas Grange, Brittas, Co. Dublin

Construction of new detached dwelling house, detached stables/store, lap pool, effluent treatment system, well and associated site works including new vehicular access to public road at Brittas Grange.

Decision: **REFUSE PERMISSION.**

S94A/0142: Glenaraneen, Brittas, Co. Dublin.

Bungalow with dormer floor, double garage and septic tank.

Decision: **REFUSE PERMISSION.**

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2022 – 2028

Section 6.9 Rural Housing Strategy

Policy H16: - Management of Single Dwellings in Rural Areas Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy

H21 Objective 1: - To favourably consider applications for replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA – Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA – Liffey Valley' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA – Dodder Valley' (to protect and enhance the outstanding character and amenity of the Dodder Valley) where the Planning Authority is satisfied that all of the following are met:

- There is a genuine need for replacement or refurbishment of the structure;
- The roof, internal walls and external walls of the structure on site are substantially intact;
- The structure on site is a habitable dwelling and its use as a habitable dwelling has not been abandoned (for a period that exceeds 5 years);
- The structure on site is of limited value in terms of built heritage, character and visual amenity;
- The replacement dwelling would largely occupy the same footprint, scale and location of the dwelling to be replaced, save in exceptional circumstances where the Planning

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Authority agrees a more favourable position in the context of the development management criteria outlined under Chapter 12: Implementation and Monitoring.

Policy H23: Rural Housing and Extension Design - Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H23 Objective 1: Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features;
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings;
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries;
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls;
- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies;
- Would not create or exacerbate ribbon or haphazard forms of development

6.9.6 Rural Dwelling Occupancy

4.3.1 Components of the GI Network - Figure 4.4: Green Infrastructure Strategy Map

4.3.2 Strategic Corridor Objectives - Strategic Corridor 3: Grand Canal Corridor, Overarching Objectives

Policy GI1: Overarching GI1 Objective 4: - To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

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Policy GI2: Biodiversity GI2 Objective 4: - To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI4: Sustainable Drainage Systems GI4 Objective 1: - To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Policy QDP7: High Quality Design – Development General - Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures - Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H14: Residential Extensions - Support the extension of existing dwellings subject to the protection of residential and visual amenity.

H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy E3: Energy Performance in Existing and New Buildings

Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

12.3.1 Appropriate Assessment

12.3.1 Ecological Protection

12.3.2 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.1 Green Infrastructure and Development Management

12.5 Quality Design and Healthy Placemaking

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12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.6 Housing - Residential Development

12.6.7 Residential Standards

12.6.8 Residential Consolidation

Extensions

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.11.1 Water Management

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including porches, side and rear extensions.

Elements of Good Extension Design

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Side extensions

- *Respect the style of the house and the amount of space available between it and the neighbouring property, for example:*
 - *if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;*
 - *if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;*
 - *if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.*
- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not*

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seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.

- *Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.*
- *If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm.*
- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.*
- *Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.*
- *Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.*
- *Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.*
 - *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.*
- *Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.*
- *Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*
 - *Avoid the use of prominent parapet walls to the top of side extensions.*

Rear extensions

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained*

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- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Sustainable Rural Housing Development Guidelines - Sustainable Rural Housing Guidelines for Planning Authorities (2005).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

Relevant National Policy Objectives in National Planning Framework

National Policy Objective (NPO) 2a

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large town and centres of employment, and elsewhere:

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in*

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a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

NPO 20

Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

Relevant policy and Regional Policy Objectives in Regional Spatial & Economic Strategy

Section 4.3: Defining a Settlement Typology

For 'Towns, Villages and Rural Areas', the following policy response is stated:

Consolidation coupled with targeted rural housing and investment policies where required to improve local employment, services and sustainable transport options and to become more self-sustaining.

Align Population, Employment and Housing Growth – Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, promote sustainable growth in the right locations and 'catch up' investment and consolidation in local services, amenities and employment in areas that have experienced large scale commuter driven housing development.

Compact Sustainable Growth – Promote compact, sequential and sustainable development of urban areas from large too small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands.

Climate Action – to accelerate a transition to a greener, low carbon and climate resilient region with focus on energy transition, carbon sequestration and reduced travel demand through the promotion of sustainable settlement patterns. Support the Climate Action Regional Offices and local authorities in their implementation of climate strategies.

Section 4.8 – Rural Places: Towns, Villages and the Countryside

The National Planning Framework and RSES make a distinction between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments.

Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid

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ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities.

Regional Policy Objective (RPO) 4.78

Development plans should support the development of a 'New Homes in Small Towns and Villages' initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create 'build your own home' opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.

RPO 4.79

Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.

RPO 4.80

Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

RPO 4.81

In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

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Section 5: Dublin Metropolitan Area Strategic Plan

RPO 5.5

Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

RPO 5.7 – MASP Green Infrastructure

Co-ordinate across local authority boundaries to identify, manage, develop and protect regional Green Infrastructure, to enhance strategic connections and develop a Green Infrastructure policy in the Dublin Metropolitan Area.

Assessment

The main issues for assessment are as follows:

- Zoning and Council Policy;
- Planning History
- Residential & Visual Amenity;
- Landscape & Visual Impact;
- Parks & Landscaping;
- Access and Parking;
- Environmental Health;
- Services & Drainage;
- Overcoming Previous Reasons for Refusal;
- Screening for Environmental Impact Assessment (EIAR).
- Screening for Appropriate Assessment (AA).

Zoning and Council Policy

The subject site is zoned 'HA-DM': *'To protect and enhance the outstanding natural character of the Dublin Mountains Area'*. Residential development is listed as 'Open for Consideration' under this zoning objective subject to accordance with Council policy for residential development in rural areas, and not being located above the 350m contour. It is noted that the site is not located above the 350m contour.

The application for retention and permission would provide for the extension of an existing dwelling. An extension to a dwelling is acceptable in principle subject to consideration under Policy H23 of the County Development Plan 2022-2028. Consideration should also be given to the SDCC House Extension Design Guide (2010).

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Planning History

The subject site has previously been refused retention permission and permission under Reg. Ref. SD22B/0098 for the following works:

- Permission for construction of a single storey extension to the south side of the existing dwelling.
- Proposed new water treatment system.
- Retention for a ground floor extension to the west side of the existing dwelling.
- Retention for a 1.5 storey extension to the south side of the existing dwelling.
- Retention for attic rooms over the original dwelling.
- Retention for roof windows to front and rear.

The application that is the subject of this assessment differs from previous applications in that:

- The description of development for this application does not specifically include the subdivision of the dwelling as was the case for reg. ref. SD21B/0100.
- The layout of the proposed development has been reduced in size in comparison to SD22B/0098 where proposed works measured 89.89sq.m. and area for retention measured 132.56sq.m. For this application SD22B/0381 proposed works measured 43sq.m. and area for retention measured 152sq.m.

Residential & Visual Amenity

Retention permission is being sought for the following works:

- Ground floor extension to west and south of the existing dwelling comprising of 2 no. separate lounges.
- First floor extension to the north and south of the existing dwelling comprising broadly of 2 no. separate bedrooms.

The ground floor extension to the west is seeking retention permission for a lounge that projects outwards from the main dwelling by 7.4m and spans a width of c.5.163m. The lounge has windows on all three sides and is connected to the main dwelling via an internal door to the kitchen. The lounge has a pitched roof with a ridge height set considerably below the ridge height of the main existing dwelling (c.5.96m).

The ground floor extension to the south is seeking retention permission for a lounge that projects outwards from the main dwelling by 6.335m and spans a width of c.8.029m.

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Permission is being sought for the following works:

- Ground floor extension to southern and western elevation to provide additional space for the proposed dining/kitchen area on the west elevation and to provide for independent living accommodation for a child with intellectual and physical disabilities on the southern elevation.
- First floor rear extension to southern elevation to provide additional space for bedrooms.
- Conversion of attic rooms to provide for bedrooms (non-habitable) with roof lights to front.

The ground floor extension to the southern elevation will project outwards from the existing dwelling (lounge area – south elevation) by c.2m and will span a width of c.9.2m. The ground floor extension to the west will project outwards from the existing dwelling (lounge area – west elevation) by c.1.9m and will span a width of c.11.918m.

The southern ground floor lounge has windows on two of three sides and is connected to the main dwelling via a hallway. The application is seeking permission to change internal layout and extend so that part of the lounge at ground floor level is converted to accommodate **independent living for a child with intellectual and physical disabilities**. As the description of works does not state that this is a family flat the Planning Authority cannot assess this against the criteria for family flats and this type of accommodation is considered to be a separate independent residential dwelling unit which would not be acceptable and should therefore be **refused**.

Given that the existing dwelling already appears to be subdivided into two separate dwelling units (for which planning permission does not appear to have been sought) as can be seen from the layout of the existing dwelling where it currently has 3 entrances to the front of the house, two separate stairwells, four lounges and three kitchens it is considered that an additional subdivision would essentially be dividing the main dwelling into three separate residential dwelling units which would not be acceptable. The application seeking retention and permission would provide for a subdivision of the main dwelling into three separate units whereby there would be three separate front doors and three kitchen areas. For this reason, the application should be **refused**.

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The first floor extension to southern elevation will provide additional space for bedrooms. It will project outwards from the existing southern elevation by c.2.4m and will span a width of c.5.85m. The extension will have a pitched roof over, will be gable fronted to the south and will have a ridge height to match the existing c.5.95m. The existing 1 no. window on the southern elevation will be replaced with 2 no. windows.

The attic will be converted to provide for bedrooms (non-habitable) with roof lights to front.

The proposed extension and extensions seeking retention are setback from the site boundaries and surrounding residential properties. It would therefore not result in any unacceptable overlooking, overshadowing or overbearing impacts. The extensions are of a similar form and design to the existing dwelling. The applicant has also submitted photomontages and a cross indicating the impact on visual and landscape amenity would not be significant. However, considering the sensitivity of the landscape in this 'HA-DM' zoned area the proposal is not considered acceptable in terms of visual impact and would not be consistent with Policy H23 Rural Housing and Extension Design. This is covered further in the next section on Landscape & Visual Impact.

Landscape & Visual Impact

It is an Objective of the South Dublin County Council Development Plan 2022-2028 (NCBH14 Objective 2).

'To ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2022) in accordance with Government guidance on Landscape Character Assessment and the National Landscape Strategy (2015-2025).'

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6.2 SUMMARY OF OVERALL LANDSCAPE CHARACTER SENSITIVITY, CAPACITY AND MITIGATION MEASURES

This section presents an overview of a more detailed assessment undertaken for each LCA. Annex B presents the assessment in more detail. Each table below is accompanied by a number of mitigation measures that aim to enhance the distinctive landscape character of each area.

6.2.1 LANDSCAPE CHARACTER AREAS- SENSITIVITY AND PRINCIPLES FOR DEVELOPMENT

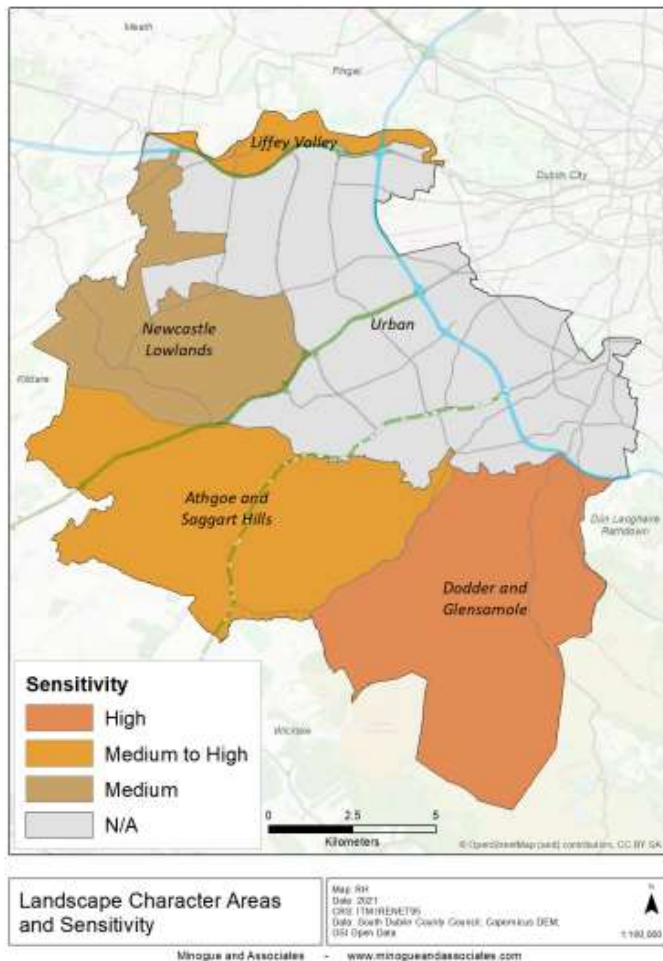


FIGURE 37 LCA SENSITIVITY MAP

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The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2022 - 2028 following a Landscape Character Assessment of South Dublin County undertaken in 2022 as an area with a medium to high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to the South Dublin County Council Development Plan 2022-2028 Policy NCBH14: Landscapes.

Preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.

The proposal would also be contrary to G17 Objective 2 of the SDCC Development Plan 2022-2028 which states:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan

It is noted under the South Dublin County Council Development Plan 2022-2028 Policies Maps that the subject site is not located within an area where it is an objective under the County Development Plan to protect and preserve significant views, however the remainder of the surrounding area is.

As the application seeking retention and permission is located in such a sensitive area where the proposal would be contrary to the SDCC Development Plan 2022-2028 and would also be contrary to the proper planning and sustainable development of the area the application should be **refused**.

Parks & Landscaping

The Parks Department have reviewed the application and has issued a report recommending no comments following review.

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Access and Parking

A report was received from the Roads Department recommending no objections. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

No Roads objections

The above comments are noted.

Environmental Health

A report was received from the Environmental Health Officer (EHO) recommending the application to be acceptable subject to **conditions** for new wastewater treatment system. An extract taken from the EHO report states the following:

Development Summary: The development proposes the construction of a ground floor extension for the purposes of specialized care for a special needs family member. The plan also proposes to replace the existing septic tank with a new sewage treatment system. A site visit showed that trial holes had been dug for the purposes of a site suitability test and a site suitability test has been provided in support of the plan (had been the case previously with SD22B/0098). Additionally, it was noted that the septic tank currently serving the site is causing sewage to pool and flow above ground level.

Decision:

Wastewater Treatment

1. The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 26/08/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

Reason: In the interest of public health.

2. A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.

Reason: In the interest of public health in order to ensure adequate drainage provision.

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3. *Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

Reason: In the interest of public health in order to ensure adequate drainage provision.

4. *The existing septic tank shall be fully decommissioned prior to development commencing*

Reason: In the interest of public health and to ensure adequate drainage provision.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Services & Drainage

No reports have been received from Irish Water or Surface Water Drainage. Notwithstanding this it is considered appropriate to attach standard drainage **conditions** in the event of grant.

Overcoming Previous Reasons for Refusal

Given the recent planning history and similarity between the current application and the **previous application SD22B/0098** it is relevant to assess the subject application against the previous reasons for refusal.

1. *The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:*

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and

- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and

- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and

- Retains and reinstates traditional roadside and field boundaries; and

- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and

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- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and

- Would not create or exacerbate ribbon or haphazard forms of development.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.

2. *In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:*

(1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.

(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

(3) The family flat should be directly accessible from the main dwelling via an internal access door; and

(4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. *The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.*

4. *With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the*

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South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

5. The applicant has submitted insufficient information regarding surface water drainage, wastewater treatment, landscaping and existing trees to enable the planning authority to adequately assess the impact of the proposed development on the High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity and prejudicial to public health.

While this proposal no longer includes for the explicit **subdivision** of the house to use as separate dwellings in the description of works in the public notices as was the case for previously refused SD21B/0100, the Planning Authority is concerned that it would still be used as such. Given that the existing dwelling is already subdivided, the Planning Authority is concerned that it would be subdivided a third time if permitted. This is given the layout of the existing dwelling, in combination with the extensions for retention and permission. This would not be acceptable and should therefore be **refused**.

Given that the existing dwelling already appears to be subdivided into two separate dwelling units (for which planning permission does not appear to have been sought) as can be seen from the layout of the existing dwelling where it currently has 3 entrances to the front of the house, two separate stairwells, four lounges and three kitchens it is considered that an additional subdivision would essentially be dividing the main dwelling into three separate residential dwelling units which would not be acceptable. The application seeking retention and permission would provide for a subdivision of the main dwelling into three separate units whereby there would be three separate front doors and three kitchen areas. For this reason, the application should be **refused**.

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Given the above it would be relevant to assess the subject application against policy relating to the provision of rural housing, as was done with the previous application SD22B/0098. Insufficient justification has been provided to demonstrate compliance with the objectives of Policy CS11: Rural Areas.

Recognise that the rural area of South Dublin County is an area under strong urban influence for housing and restrict the spread of dwellings in the Rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones based on the criteria set out in the Rural Settlement Strategy contained within Chapter 6: Housing.

1. On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H23 Objective 1 and is contrary to the proper planning and sustainable development of the area.

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and

- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and

- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and

- Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and

- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and

- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and

- Would not create or exacerbate ribbon or haphazard forms of development.

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It is therefore considered that this reason for refusal has not been overcome.

1. The applicant has not applied for a family flat, therefore the application cannot be assessed using the criteria for a family flat as set out in the SDCC Development Plan 2022-2028, Policy H15: Family Flats subject to the criteria outlined in Chapter 12: Implementation and Monitoring.

It is therefore considered that this reason for refusal has not been overcome.

2. On the basis of the information submitted, the proposed development has not overcome this previous reason for refusal as any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to the South Dublin County Council Development Plan 2022-2028 Policy NCBH14: Landscapes.

Preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.

The proposal would also be contrary to G17 Objective 2 of the SDCC Development Plan 2022-2028 which states:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan.

It is therefore considered that this reason for refusal has not been overcome.

3. With regard to Policy NCBH6: Dublin Mountains, the proposed development would still result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2022-2028.

It is therefore considered that this reason for refusal has not been overcome.

4. No reports have been received from Irish Water or Surface Water Drainage regarding requirements for services and drainage. A report was received from EHO recommending no objections subject to **conditions**.

It is therefore considered that this reason for refusal has been overcome.

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Overall, given the above, it is not considered that the subject application has sufficiently addressed the previous reasons for refusal. **It is therefore recommended that the application is refused.**

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- **Retention** permission for ground floor extension to west and south side of the house (2 no. lounges).
- **Retention** permission for first floor extension to the north and south of the existing dwelling comprising broadly of 2 no. separate bedrooms.
- **Permission** for 43sq.m. single storey and part two storey extension to side and rear to accommodate independent living (family flat) for a child with intellectual and physical disabilities including for disabled bathroom, bedroom and treatment room at ground floor.
- **Permission** for conversion of attic rooms to habitable space with roof lights to front and rear.
- **Permission for** proposed new wastewater treatment plan.
- Proposed works measure c.43sq.m.
- Retention works measure c.152sq.m.
- Total works measure c.195sq.m.

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Development Contributions

Planning Reference Number	SD22B/0381
Summary of permission granted & relevant notes:	Residential Extension – 195sq.m.
Are any exemptions applicable?	Yes
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	43
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	195
Total development contribution due	€20,375.55

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – extension	195sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.6

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Conclusion

Having regard to the 'HA-DM' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, and the recommendations of the South Dublin House Extension Design Guide 2010, the development seeking permission and retention would not accord with the proper planning and sustainable development of the area.

Due to the layout of the proposed development the Planning Authority has concerns that it is currently used as 2 dwelling units and will continue to be subdivided again should permission be granted. The subject and recently refused applications are also largely similar in terms of layout and information submitted. It is therefore considered that the majority of the reasons for refusal under the previous application have not been overcome.

The Planning Authority would have concerns with the provision of more than one dwelling at this location given its sensitive location and lack of suitable infrastructure. If the intention is to provide a family flat this has not been addressed in the submitted application and therefore the Planning Authority have not assessed, it as such. If such an application for a family flat were to be made this could not be done in combination with an existing subdivided dwelling. Insufficient information has also been provided to ensure that the extensions for retention and permission have addressed Policy H23: Rural Housing and Extension Design and would have an unacceptable impact on the site's landscape. It is therefore considered that the proposed development should be **refused retention permission and permission**.

Recommendation

I recommend that a decision to Refuse Permission & Refuse Retention be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. (a). The proposed extension and extension seeking retention and provision of independent living accommodation by reason of its design and functioning with direct external access via 3 no. separate front access doors would represent three separate independent substandard independent residential dwelling units within the overall site which is out of character with the established pattern of development in the area and in the South Dublin County Development Plan 2022 - 2028 is contrary to the 'HA-DM' zoning objective and does not comply with Policy H23: Rural Housing in HA - Dublin Mountains Zone which states:

To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met:

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- The applicant is a native of the area; and
 - The applicant can demonstrate a genuine need for housing in that particular area; and
 - The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and
 - The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.
- (b). The applicant would have had an opportunity to refer to a family flat in the description of works but has not done so. Therefore the Planning Authority has assessed this application as a new dwelling in the 'HA-DM' zone where it does not comply with Policy H23: Rural Housing in HA - Dublin Mountains Zone
2. (a). The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2022 - 2028 following a Landscape Character Assessment of South Dublin County undertaken in 2022 as an area with a medium to high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to the South Dublin County Council Development Plan 2022-2028 Policy NCBH14: Landscapes.
- (b). The proposal would also be contrary to G17 Objective 2 of the SDCC Development Plan 2022-2028 which seeks:
'To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan'.
- (c). Having regard to the 'HA-DM' land-use zoning of the area which seeks 'to protect and enhance the outstanding natural character and amenity of the Dublin Mountains Area', the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, and the recommendations and the South Dublin House Extension Design Guide 2010, the development seeking permission would not accord with the proper planning and sustainable development of the area and would be contrary to the SDCC Development Plan 2022-2028.
- (d). The application for retention and permission would be contrary to Policy H23: Rural Housing in HA - Dublin Mountains Zone (Sc.2.5.4 Development Plan 2022-2028) and would have an unacceptable impact on the site's landscape.

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3. The applicant has not overcome previous reasons for refusal as per reg. ref. SD22B/0098 and reg. ref. SD21B/0100 and would therefore be contrary to the proper planning and sustainable development of the area.
- (a). While this proposal no longer includes for the explicit subdivision of the house to use as separate dwellings in the description of works in the public notices as was the case for previously refused SD21B/0100, the Planning Authority is concerned that it would still be used as such. Given that the existing dwelling is already subdivided, the Planning Authority is concerned that it would be subdivided a third time if permitted. This is given the layout of the existing dwelling, in combination with the extensions for retention and permission. Given that the existing dwelling already appears to be subdivided into two separate dwelling units (for which planning permission does not appear to have been sought) as can be seen from the layout of the existing dwelling where it currently has 3 entrances to the front of the house, two separate stairwells, four lounges and three kitchens it is considered that an additional subdivision would essentially be dividing the main dwelling into three separate residential dwelling units which would not be acceptable.
- (b). Given the above it would be relevant to assess the subject application against policy relating to the provision of rural housing in the 'HA- DM' zone as was done with the previous application SD22B/0098. For this current proposal insufficient justification has been provided to demonstrate compliance with the objectives of Policy CS11: Rural Areas which seeks to Recognise that the rural area of South Dublin County is an area under strong urban influence for housing and restrict the spread of dwellings in the..... Dublin Mountain 'HA-DM' zones based on the criteria set out in the Rural Settlement Strategy contained within Chapter 6: Housing.
- (c). This proposal has not overcome the first previous reason for refusal as per reg. ref. SD22B/0098 as the information submitted does not comply with all of the above criteria for housing in this area outlined under Policy H23 Objective 1 and is contrary to the proper planning and sustainable development of the area. See first previous reason for refusal (SD22B/0098) below:
1. The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:
 - Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
 - Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
 - Is designed and sited to minimise impact on the site's natural contours and natural

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drainage features; and

- Retains and reinstates traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and
- Would not create or exacerbate ribbon or haphazard forms of development.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.

(d). This proposal has not overcome the second previous reason for refusal as per reg. ref. SD22B/0098 as the applicant has not applied for a family flat, therefore the application cannot be assessed using the criteria for a family flat as set out in the SDCC Development Plan 2022-2028, Policy H15: Family Flats subject to the criteria outlined in Chapter 12: Implementation and Monitoring. See second previous reason for refusal (SD22B/0098) below:

2. In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:

- (1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.
- (2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.
- (3) The family flat should be directly accessible from the main dwelling via an internal access door; and
- (4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

(e). This proposal has not overcome the third previous reason for refusal as per reg. ref. SD22B/0098 as any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to the South Dublin County Council Development Plan 2022-2028 Policy NCBH14: Landscapes which states:

- Preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.

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The proposal would also be contrary to G17 Objective 2 of the SDCC Development Plan 2022-2028, which states:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan. See third previous reason for refusal (SD22B/0098) below:

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.

(f). This proposal has not overcome the fourth previous reason for refusal as per reg. ref. SD22B/0098 as having regard to Policy NCBH6: Dublin Mountains, the proposed development would still result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2022-2028. See fourth previous reason for refusal (SD22B/0098) below:

4. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains.

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Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

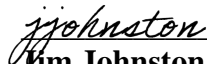
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REG. REF. SD22B/0381

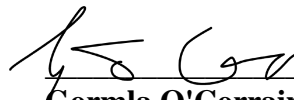
LOCATION: Glenaraneen, Brittas, Co Dublin



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission & Refuse Retention for the above proposal for the reasons set out above is hereby made.

Date: 20-10-22



Gormla O'Corrain, Senior Planner